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EXAMINER

HO, THOMAS M

ART UNIT PAPER NUMBER

2134

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/803,869

Applicant(s)

ISHIBASHI ET AL.

Examiner

Thomas M. Ho

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-25 are pending.

***Response to Amendments***

2. A new grounds of rejection has been issued in light of the amendments made.

The Examiner has carefully considered the amendments made by the Applicant. In particular, attention is given to the amendments

*“a user device configured for (1) receiving and storing an issue log including issue information indicating an allowable amount of electronic money”*

and the recitation:

*“wherein, said clearing center manages the allowable amount of electronic money by preliminary creating said issue log and then issuing said issue log to the use device.”*

The Examiner suggests correction of the “preliminary creating” to preliminarily creating.

The Examiner notes that the recitation of a clearing center managing an allowable amount of electronic money fails to include any specific details regarding how this money is to be recorded or logged. From a technical standpoint, digital money is recorded and handled as variables

stored within a computer as information regarding how much allowable usage is left based on credits. Stefik discloses the use of both a credit system and a issue log indicating an allowable amount of electronic money.

The credit system as disclosed by Stefik et al. shows a system using a copy-count(or other usage count) that is recorded with the digital rights attaches to the digital work, wherein the copy-count indicates the number of allowable times the digital content may be copied. Figure 15, Item 1510. (Column 18, lines 10-28, et seq.) indicates the usage count for the printing of a document as a system of credits or “money”.

#### **money**

A generally accepted medium for the exchange of goods and services, for measuring value, or for making payments.

Additionally, Stefik et al. also discloses regarding the billing of the account for the usage of the digital content may be metered such that payment is deducted from a user account. Stefik

(Column 17, lines 20-34) discloses

“The billing clearinghouse manages the financial transactions as they occur. As a result, bills may be generated and accounts reconciled. Preferably, the credit server would store the fee transactions and periodically communicate via a network with billing clearing house for reconciliation”

“In another embodiment, the credit server acts as a “debit card” where transactions occur in “real time” against a user account.

Stefik et al. (Column 23, lines 44- Column 24, line 47, et seq) discloses the metering system used as dictated by the usage of the content, where the allowable amount of money is the money stored in the debit account.

For that reason, the Examiner holds that the art of Stefik et al. anticipates the claims as amended.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 6-13, 15-16, 20-24 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefik et al, US patent 5629980.

In reference to claim 1:

Stefik et al. discloses a content transaction system for settling a transaction of content comprising:

Art Unit: 2134

- A user device configured for (1) receiving and storing an issue log including issue information indicating an allowable amount of electronic money, where the issue information indicating the allowable amount of electronic money is the amount in the financial account. (Column 17, lines 20-34) & (Column 23, lines 44- Column 24, line 47, et seq) and the copy count recorded in the log of digital rights. (Column 18, lines 10-28, et seq.)
- and an electronic money balance, for creating a usage log of usage of said content, (2) for using the content, (Column 7, lines 5-11) & (Column 11, lines 10-15)
- (3)for deducting a content usage fee from an electronic money balance up to an allowable amount of electronic money set in an issue log based on information of a usage control policy of the content, (Column 25, lines 10-35)
- (4) creating a usage log including information of the deducted usage fee, where the user device is the first repository which generates the billing information from an electronic money balance. (Column 7, lines 33-37)
- A service provider, which receives said usage log from said user device, for creating a receive log including the information of the content usage fee based on said usage log, where the service provider is the second repository (Column 7, lines 33-37), where the usage log is the log of usage rights attached to digital work (Column 11, lines 33-35), and the usage rights contains a log of the usage. (Column 25, lines 10-35)
- A clearing center, which creates said issue log and receives said receive log from said service provider, for performing settlement processing for the electronic money spent for

Art Unit: 2134

the use of the content based on said receive log, and for making a transfer request to transfer the usage fee, where the clearing center is the credit server (Figure 3)

- An account management institution, which receives the transfer request from said clearing center, for performing transfer processing according to the transfer request, where the account management institution is the billing clearing house. (Figure 3)
- Wherein said clearing center manages the allowable amount of money by preliminary creating said issue log and then issuing said issue log to the use device. (Column 17, lines 20-34) & (Column 23, lines 44- Column 24, line 47, et seq) and the copy count recorded in the log of digital rights. (Column 18, lines 10-28, et seq.)

In reference to claim 2:

Stefik et al. discloses a content transaction system according to claim 1, wherein each of said user device and said service provider comprises an encryption processing unit, and, when said usage log is sent from said user device to said service provider (Column 7, lines 22-30), mutual authentication processing is performed between said user device and said service provider, and said user device attaches a digital signature to said usage log, and upon receiving said usage log, said service provider verifies the integrity of the digital signature, where the usage log is the access request with a logged usage rights attached to it and the mutual authentication processing with the attachment of a digital signature is performed through the use of a digital certificate. (Column 7, lines 57-65) & (Column 8, lines 5-10)

Art Unit: 2134

In reference to claim 6:

Stefik et al. (Column 17, lines 20-33) discloses a content transaction system according to claim 1,

- wherein the usage control policy information includes profit distribution information of the content usage fee paid by said user device, and wherein said usage log and said receive log include the profit distribution information, where the usage log and receive log includes the profit distribution information as billing information (Column 25, lines 10-35 & (Column 18, lines 12-18)
- and said clearing center performs the settlement processing for the electronic money of the content usage fee and sends the transfer request to said account management institution according to the profit distribution information, where the clearing center or the performs the settlement processing and the account management institution is the billing clearing house to receive the request. (Column 17, lines 20-33)

In reference to claim 7:

Stefik et al. (Column 8, lines 8-20) & (Column 7, lines 59-65) discloses a content transaction system according to claim 1, wherein the content provided for said user device is encrypted and is contained in a secure container in which the encrypted content and the usage control policy information are stored with a digital signature of a content provider, and said user device verifies the digital signature of said secure container so as to determine whether the secure controller is tampered with, where the secure container is the set of usage rights combined into the digital



work(Column 11, lines 33-35), digital signature of the secure container is the digital work that has been digitally signed into a certificate and transferred in this form(Column 7, lines 60-62).

In reference to claim 8:

Stefik et al. (Column 7, lines 59-65) discloses a content transaction system according to claim 1,

- wherein data of said issue log, said usage log, and said receive log are sent and received among said user device, where the data of the issue log and usage log are sent by repository one in the usage rights. (Column 25, lines 10-35)
- said service provider, and said clearing center by attaching a public key certificate issued by a public key certificate issuing authority to the data to be sent. (Column 13, lines 59-67)

In reference to claim 9:

Stefik et al. (Column 13, lines 59-67) & (Column 7, lines 30-37) discloses a content transaction system according to claim 1, wherein said issue log comprises at least one of a user device identifier and a user identifier and also comprises issue information indicating the allowable amount of electronic money, where the allowable amount of money is indicated in the billing process in the repositories.

In reference to claim 10:

Stefik et al. (Column 7, lines 30-37) discloses a content transaction system according to claim 1, wherein said usage log comprises information of said issue log and also comprises usage

information indicating the content usage fee and a receiver of the content usage fee, where the usage logs composed indicate information regarding billing and usage fees and also information stored within the usage rights. (Column 25, lines 10-35)

In reference to claim 11:

Stefik et al. (Column 7, lines 30-37) discloses a content transaction system according to claim 1, wherein said receive log comprises information of said usage log and also comprises receive information indicating a payer of the content usage fee, where the receive log is the log that is generated when repository 2 generates billing information for the access and digital content.

Claim 12 is rejected for the same reasons as claim 13.

In reference to claim 13:

Stefik et al. (Column 8, lines 10-21) discloses a content transaction system according to claim 1, wherein said issue log is created by said clearing center in response to a request to create said issue log from said user device, and, upon receiving a request to create an additional issue log from said user device which has an issue log sent from said clearing center, said clearing center requests said user device to send information of the electronic money balance of said user device to send information of the electronic money balance of said user device, and sends said user device a new issue log in which the allowable amount of money spent by said user device is set up to a total amount, where the issue log is the billing process that is recorded by the credit server (Column 17, lines 20-35) which is performed in response to the request to create said the

said issue log from said user device, the original generation of the access requests and billing requests, where this issue log recorded and generated by the credit server is sent to the a clearing center, the billing clearing house from which the allowable amount of money shall be deducted.

In reference to claim 15:

Stefik et al. discloses a content transaction method for settling a transaction of content which is usable by a user device, comprising the steps of:

- a clearing center creating an issue log with issue information indicating an allowable amount of electronic money, which allowable amount of electronic money is based on a usage control policy; (Column 17, lines 20-34) & (Column 23, lines 44- Column 24, line 47, et seq) and the copy count recorded in the log of digital rights. (Column 18, lines 10-28, et seq.)
- said clearing center transmitting said issue log to said user device;
- Creating a usage log, with said user device, by deducting a content usage fee from an electronic money balance up to said allowable amount of electronic money, said usage log including information regarding the deducted usage fee, and sending said usage log to a service provider, where the money to be deducted is based on information from the usage control policy, namely the usage rights. (Column 25, lines 10-35) and where the deduction of the usage fee from a balance is done by a clearing center, the credit server (Column 17, lines 20-40)
- said service provider creating receive log including the information of the content usage fee based on said usage log received from said user device, and sending said receive log

Art Unit: 2134

to said clearing center, where service provider, repository 2, creates a receive log (Billing information of the rights to be granted) after receiving the content from repository 1, and sends this receive log to the clearing center or credit server. (Column 7, lines 30-37)

- said clearing center performing settlement processing for the electronic money spent by said user device based on said receive log received from said service provider, and sending a transfer request to an account management institution to transfer the usage fee. (Column 17, lines 20-33)
- said account management institution performing usage fee transfer processing according to the transfer request. (Column 17, lines 20-33)

Claim 16 is rejected for the same reasons as claim 2.

Claim 20 is rejected for the same reasons as claim 6.

Claim 21 is rejected for the same reasons as claim 7.

Claim 22 is rejected for the same reasons as claim 8.

Claim 23 is rejected for the same reasons as claim 12.

Claim 24 is rejected for the same reasons as claim 13.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2134

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3-5, 14, 17-19, 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al.

In reference to claim 3:

Stefik et al. (Column 17, lines 34-42) discloses a content transaction system according to claim 1, wherein each of said service provider and said clearing center comprises an encryption processing unit,

when said receive log is sent from said service provider to said clearing center, mutual authentication processing is performed between said service provider and said clearing center, where the service provider or repository is coupled in transmission to the clearing center or credit server and has authentication processing just as the repository does. (Column 7, lines 30-37)

Stefik et al. (Column 7, lines 57-65) & (Column 8, lines 5-10) discloses the use of a digital signature as the authentication mechanism(digital certificates) but fails to explicitly disclose this method between service provider and clearing center.

The Examiner takes official notice that digitally signing interactions between two sources of data as a method of authenticating the data, was well known at the time of invention.

Art Unit: 2134

It would have been obvious to one of ordinary skill in the art at the time of invention to use digital signatures to transmit the received usage logs between the clearing center and service provider in order to validate the sent data as authentic.

In reference to claim 4:

Stefik et al. discloses all of claim 4 except:

A content transaction system according to claim 1, wherein said clearing center comprises a user balance database

Stefik et al. discloses managing the electronic money balance of said user device, and said clearing center creates said issue records or “logs” according to the electronic money balance registered in said user balance (Column 17, lines 3-60)

Stefik et al. however fails to explicitly disclose the use of a user balance database system.

The Examiner takes official notice that recording user balances in a database, especially by financial institutions was well known to those of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time of invention to use a database to hold the user balances and logs, in order to efficiently manage the large amounts of financial information about each user.

Claim 5 is rejected for the same reasons as claim 3.

In reference to claim 14:

Stefik et al. discloses a content transaction system according to claim 1,

- wherein said issue log is created by said clearing center in response to a request to create said issue log from said user device, where the issue log created by the clearing center(credit center) is a billing report to be sent to the billing clearinghouse (Column 17, lines 20-33)

Stefik et al. (Column 17, lines 20-33) discloses an issue log in which the allowable amount of money spent by said user device is set up to a total amount consisting of an amount of money transferred to a clearing-center management account in said account management institution and the electronic money balance of said user device, where the account management institution is the billing clearing center.

Stefik et al. fails to disclose upon receiving a request to create an additional issue log from said user device which has an old issue log sent from said clearing center, when it is determined based on the electronic money balance received from said user device that a payment based on the old issue log remains unsettled, said clearing center sends said user device a new issue log having a serial number different from the serial number of the old issue log

However, the Examiner takes official notice that the sending additional issue log using a new serial number different from the serial number of the old issue log was well known at the time of

Art Unit: 2134

invention. In digital commerce, transactions are frequently assigned a cookie, or a transaction ID, or a session ID. From this, programs know to differentiate new sessions from previous sessions.

It would have been obvious to one of ordinary skill in the art at the time of invention to issue a new log having a serial number different from the serial number of the old issue log in order to be able to identify each transaction as being unique.

Claim 17 is rejected for the same reasons as claim 3.

Claim 18 is rejected for the same reasons as claim 4.

Claim 19 is rejected for the same reasons as claim 5.

Claim 25 is rejected for the same reasons as claim 14.

### ***Conclusion***

7. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

The Examiner may also be reached through email through [Thomas.Ho6@uspto.gov](mailto:Thomas.Ho6@uspto.gov)



Application/Control Number: 09/803,869

Page 16

Art Unit: 2134

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist

Telephone: 571-272-2100

Fax: 703-872-9306

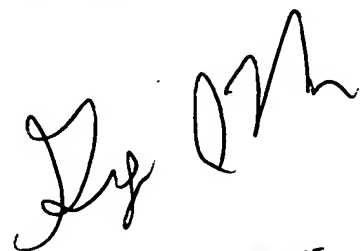
Customer Service Representative

Telephone: 571-272-2100

Fax: 703-872-9306

TMH

September 2<sup>nd</sup>, 2005

A handwritten signature in black ink, appearing to read 'Greg Morse', is written over the printed name and title.

GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100